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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,014	02/11/2004	James A. Laugham JR.	CVRS-P04-001	2221

7590 05/26/2006

Patent Group
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EXAMINER

SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Qm

Interview Summary	Application No.	Applicant(s)	
	10/777,014	LAUGHARN ET AL.	
	Examiner	Art Unit	
	Tony G. Soohoo	1723	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Tony G. Soohoo. (3) ____.
- (2) Mellisa Rones. (4) ____.

Date of Interview: 25 May 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.
 If Yes, brief description: claims for disucssion (total 14 pages).

Claim(s) discussed: Proposed amendment of the claims 47 and 141.

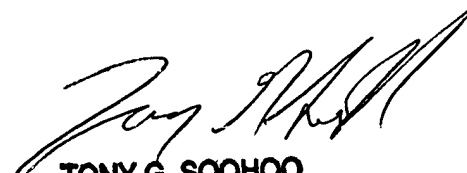
Identification of prior art discussed: ____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


TONY G. SOOHOO
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

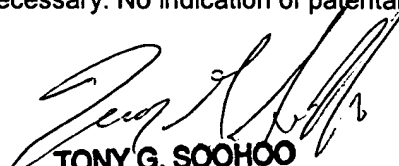
- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant stated that the claims would further distinguish by the recitation of the size of convergence of the focal zone. The examiner expressed that the terms "focal zone", "a single transducer" which may produce a focal zone, has not been fully explored in structural definition of the precise meets and bounds to be afforded to the claim. The examiner rhetorically questioned if "plural transducer sensor elements" are arrayed to a focused single transducer source would this be "a single transducer" having plural elements which make the single transducer? The examiner also rhetorically questioned if a single transducer was made very small so that its production is very small in the order of the zone proposed, Would this be a "focused acoustic field"? Accordingly, further formal consideration upon merits will be necessary. No indication of patentable distinction was made.



TONY G. SOOHOO
PRIMARY EXAMINER



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001/014

Attachment
to interview
Summary
TOS 1723FAX TRANSMITTAL LETTER**IMPORTANT:** PLEASE DELIVER THIS DOCUMENT IMMEDIATELY!

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL: (617) 951-7000

TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL LETTER: 14

<u>Name</u>	<u>Firm/Company</u>	<u>Fax Number</u>	<u>Phone Number</u>
To: Examiner Soohoo	USPTO	571-273-1147	

From: Melissa S. Rones

Comments:

Re: U.S. Application No. 10/777,014
Attorney Docket No. CVRS-P04-001PLEASE COMPLETE WHEN SUBMITTING TO FAX DEPARTMENT

Date: May 19, 2006

Time: 9:54 AM

File Symbol: CVRS-P04-001

Personal ID Number: 28498

Submitted By: Melissa S. Rones

Phone:

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Draft Claim Amendments – For Discussion Purposes Only**CVRS-P04-001****Application Serial No. 10/777,014**

1-46 (Cancelled)

47. **(Currently amended)** An apparatus for treating one or more samples comprising:

(a) a reaction vessel for holding the one or more samples and including at least one inlet for flowing the one or more samples into the reaction vessel and at least one outlet for flowing the one or more samples out of the reaction vessel; and

(b) an acoustic energy source for providing at least one focused acoustic field having a frequency of between about 100 kilohertz and about 100 megahertz to the one or more samples while the one or more samples are in the reaction vessel, wherein the acoustic energy source is a single transducer, and wherein the focused acoustic field converges in a focal zone having a diameter less than about 2 cm.

48. **(Previously presented)** The apparatus of claim 47, wherein the focused acoustic field has a focal zone smaller than the reaction vessel.

49. **(Previously presented)** The apparatus of claim 47, wherein the focused acoustic field has a focal zone larger than the reaction vessel.

50. **(Previously presented)** The apparatus of claim 47 including a processor for controlling the flow of the sample into and out of the reaction vessel to control exposure of the one or more samples to the at least one focused acoustic field.

51. **(Previously presented)** The apparatus of claim 47 including a processor for controlling the acoustic energy source to control exposure of the one or more samples to the at least one focused acoustic field.

52. **(Previously presented)** The apparatus of claim 47 including a processor for varying the frequency of the acoustic energy source to control exposure of the one or more samples to the at least one focused acoustic field.

53. **(Previously presented)** The apparatus of claim 47 including a feedback system having a sensor for providing feedback information relevant to the one or more samples.

54. **(Previously presented)** The apparatus of claim 53 including a processor for determining a state of treatment of the sample based, at least in part, on the feedback information.

55. **(Previously presented)** The apparatus of claim 54, wherein the processor controls the flow of the sample based, at least in part, on the determination of the state of treatment.

56. **(Previously presented)** The apparatus of claim 54, wherein the processor controls the acoustic energy source based, at least in part, on the determination of the state of treatment.

57. **(Previously presented)** The apparatus of claim 53, wherein the sensor includes an acoustic transducer for detecting acoustic emissions from the one or more samples.

58. **(Previously presented)** The apparatus of claim 53, wherein the sensor includes an acoustic transducer for detecting acoustic reflections from the one or more samples.

59. **(Previously presented)** The apparatus of claim 53, wherein the sensor includes a temperature sensor and the feedback information includes temperature information.

60. **(Previously presented)** The apparatus of claim 53, wherein the sensor includes optical detection and the feedback information includes spectral information.

61. **(Previously presented)** The apparatus of claim 60, wherein the spectral information includes at least one of spectral excitation, absorption, fluorescence, and emission of the one or more samples.

62. **(Previously presented)** The apparatus of claim 141, wherein the at least one focused acoustic field includes a plurality of focused acoustic fields and the acoustic energy source includes a plurality of acoustic transducers for providing the plurality of the focused acoustic fields to the one or more samples.

63. **(Withdrawn)** The apparatus of claim 47 including a positioning system for positioning at least one of the sample and the focused acoustic source relative to each other.

64. **(Withdrawn)** The apparatus of claim 62 including a processor for controlling the positioning system to stop sample movement relative to the acoustic energy source to facilitate the treating of the one or more samples.

65. **(Withdrawn)** The apparatus of claim 62, including a processor for controlling the positioning system to dither a relative position of the one or more samples and the focal zone.

66. **(Previously presented)** The apparatus of claim 47, further comprising one or more samples, wherein the one or more samples include organic material.

67. **(Previously presented)** The apparatus of claim 47, further comprising one or more samples, wherein the one or more samples include inorganic material.

68. **(Previously presented)** The apparatus of claim 47, further comprising one or more samples, wherein the one or more samples include a mineral.

69. **(Previously presented)** The apparatus of claim 47, further comprising one or more samples, wherein the one or more samples include a biological.

70. **(Previously presented)** The apparatus of claim 47, further comprising one or more samples, wherein the one or more samples are suspended in a fluid.

71. **(Previously presented)** The apparatus of claim 70, wherein the fluid includes a solvent.

72. **(Previously presented)** The apparatus of claim 47, further comprising one or more samples and a constituent.

73. **(Previously presented)** The apparatus of claim 72, wherein the constituent includes a solvent.

74. **(Previously presented)** The apparatus of claim 72, wherein the one or more samples include a first molecule and the constituent includes a second molecule, different from the first molecule.

75. **(Previously presented)** The apparatus of claim 72, wherein the one or more samples include an antibody and the constituent includes a molecule to which the antibody binds.

76. **(Previously presented)** The apparatus of claim 72, wherein the one or more samples include a substrate and the constituent includes a ligand.

77. **(Previously presented)** The apparatus of claim 72, wherein the one or more samples include at least one of an antibody and a receptor and the constituent include a support surface for immobilizing the at least one of the antibody and the receptor.

78. **(Previously presented)** The apparatus of claim 72, wherein the one or more samples include a first nucleic acid molecule and the constituent includes a second nucleic acid, different from the first nucleic acid molecule.
79. **(Previously presented)** The apparatus of claim 78, wherein the first nucleic acid molecule is a primer and the second nucleic acid molecule is a substrate molecule.
80. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes fluidization of the one or more samples.
81. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes heating of the sample.
82. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes disrupting at least portions of the sample.
83. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes increasing a permeability of the one or more samples.
84. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes enhancing a reaction within the one or more samples.
85. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes sterilizing the one or more samples.
86. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes disrupting extra-cellular membranes.
87. **(Withdrawn)** The apparatus of claim 47, wherein the treatment includes lessening a barrier function of a structure in the one or more samples.

88. **(Withdrawn)** The apparatus of claim 47 including a processor for controlling the acoustic energy source to be on during a treat interval and off during a dead interval.
89. **(Withdrawn)** The apparatus of claim 88, wherein the processor controls a frequency of operation of the acoustic energy source.
90. **(Withdrawn)** The apparatus of claim 88, wherein the processor controls a duty cycle of operation of the acoustic energy source.
91. **(Withdrawn)** The apparatus of claim 47, further comprising a system for transferring the reaction vessel into or out of the treatment apparatus.
92. **(Withdrawn)** An apparatus for treating a sample using acoustic energy, comprising:
- (a) an acoustic energy source for generating a focused acoustic field having a frequency of between about 100 kilohertz and about 100 megahertz and which converges in a focused acoustic field; and
 - (b) a conduit for flowing the sample through the focused acoustic field to mix the sample with a constituent in the conduit.
93. **(Withdrawn)** An apparatus for treating one or more samples using acoustic energy, comprising:
- (a) an acoustic energy source for generating a focused acoustic field having a frequency of between about 100 kilohertz and about 100 megahertz and which converges in a focused acoustic field;
 - (b) a reaction vessel for holding a sample;
 - (c) a positioning system for moving at least one of the sample and the acoustic energy source relative to each other; and
 - (d) a processor for controlling at least one of the acoustic energy source and the positioning system to expose the sample to the focused acoustic field for a time sufficient to mix the sample with a constituent in the reaction vessel.

94. **(Withdrawn)** A method for treating one or more samples comprising:
- (a) flowing the one or more samples through a reaction vessel; and
 - (b) providing at least one focused acoustic field having a frequency of between about 100 kilohertz and about 100 megahertz to the one or more samples while the one or more samples is in the reaction vessel.
95. **(Withdrawn)** The method of claim 94, wherein the focused acoustic field has a focal zone smaller than the reaction vessel.
96. **(Withdrawn)** The method of claim 94, wherein the focused acoustic field has a focal zone larger than the reaction vessel.
97. **(Withdrawn)** The method of claim 94 including controlling the flow of the one or more samples into and out of the reaction vessel to control exposure of the one or more samples to the at least one focused acoustic field.
98. **(Withdrawn)** The method of claim 94 including controlling the acoustic energy source to control exposure of the one or more samples to the at least one focused acoustic field.
99. **(Withdrawn)** The method of claim 94 including a varying the frequency of the acoustic energy source to control exposure of the one or more samples to the at least one focused acoustic field.
100. **(Withdrawn)** The method of claim 94 including providing feedback information relevant to the one or more samples.
101. **(Withdrawn)** The method of claim 100 including determining a state of treatment of the one or more samples based, at least in part, on the feedback information.

102. **(Withdrawn)** The method of claim 101 including controlling the flow of the one or more samples based, at least in part, on the determination of the state of treatment.
103. **(Withdrawn)** The method of claim 101 including controlling the acoustic energy source based, at least in part, on the determination of the state of treatment.
104. **(Withdrawn)** The method of claim 100 including detecting acoustic emissions from the one or more samples.
105. **(Withdrawn)** The method of claim 100 including detecting acoustic reflections from the one or more samples.
106. **(Withdrawn)** The method of claim 100, wherein the feedback information includes temperature information.
107. **(Withdrawn)** The method of claim 100, wherein the feedback information includes spectral information.
108. **(Withdrawn)** The method of claim 107, wherein the spectral information includes at least one of spectral excitation, absorption, fluorescence, and emission of the sample.
109. **(Withdrawn)** The method of claim 94, wherein the at least one focused acoustic field includes a plurality of focused acoustic fields.
110. **(Withdrawn)** The method of claim 94 including positioning at least one of the one or more samples and the focused acoustic field relative to each other.
111. **(Withdrawn)** The system of claim 109 including controlling the positioning to stop sample movement relative to the focused acoustic field to facilitate the treating of the one or more samples.

112. **(Withdrawn)** The method of claim 109, including controlling the positioning to either a relative position of the sample and the focal acoustic field.
113. **(Withdrawn)** The method of claim 94, wherein the one or more samples include organic material.
114. **(Withdrawn)** The method of claim 94, wherein the one or more samples include inorganic material.
115. **(Withdrawn)** The method of claim 94, wherein the one or more samples include a mineral.
116. **(Withdrawn)** The method of claim 94, wherein the one or more samples include a biological.
117. **(Withdrawn)** The method of claim 94 including suspending the one or more samples in a fluid.
118. **(Withdrawn)** The method of claim 117, wherein the fluid includes a solvent.
119. **(Withdrawn)** The method of claim 94, wherein the treatment includes mixing the one or more samples with a constituent.
120. **(Withdrawn)** The method of claim 119, wherein the constituent includes a solvent.
121. **(Withdrawn)** The method of claim 119, wherein the one or more samples include a first molecule and the constituent includes a second molecule, different from the first molecule.
122. **(Withdrawn)** The method of claim 119, wherein the one or more samples include an antibody and the constituent includes a molecule to which the antibody binds.

123. **(Withdrawn)** The method of claim 119, wherein the one or more samples include a substrate and the constituent includes a ligand.
124. **(Withdrawn)** The method of claim 119, wherein the one or more samples include at least one of an antibody and a receptor and the constituent include a support surface for immobilizing the at least one of the antibody and the receptor.
125. **(Withdrawn)** The method of claim 119, wherein the one or more samples include a first nucleic acid molecule and the constituent includes a second nucleic acid, different from the first nucleic acid molecule.
126. **(Withdrawn)** The method of claim 119, wherein the first nucleic acid molecule is a primer and the second nucleic acid molecule is a substrate molecule.
127. **(Withdrawn)** The method of claim 94, wherein the treatment includes fluidization of the sample.
128. **(Withdrawn)** The method of claim 94, wherein the treatment includes heating of the sample.
129. **(Withdrawn)** The method of claim 94, wherein the treatment includes disrupting at least portions of the sample.
130. **(Withdrawn)** The method of claim 94, wherein the treatment includes increasing a permeability of the sample.
131. **(Withdrawn)** The method of claim 94, wherein the treatment includes enhancing a reaction within the sample.

132. **(Withdrawn)** The method of claim 94, wherein the treatment includes sterilizing the sample.
133. **(Withdrawn)** The method of claim 94, wherein the treatment includes disrupting extra-cellular membranes.
134. **(Withdrawn)** The method of claim 94, wherein the treatment includes lessening a barrier function of a structure in the sample.
135. **(Withdrawn)** The method of claim 94 including controlling the focused acoustic field to be on during a treat interval and off during a dead interval.
136. **(Withdrawn)** The method of claim 94 including controlling a frequency of focused acoustic field.
137. **(Withdrawn)** The method of claim 94 including controlling a duty cycle of operation of the focused acoustic field.
138. **(Withdrawn)** The method of claim 94 including transferring the reaction vessel into or out of a treatment apparatus.
139. **(Withdrawn)** A method for treating a sample using acoustic energy, comprising:
- (a) generating a focused acoustic field having a frequency of between about 100 kilohertz and about 100 megahertz and which converges in a focused acoustic field; and
 - (b) flowing the sample through the focused acoustic field to mix the sample with a constituent in a conduit.
140. **(Withdrawn)** An method for treating one or more samples using acoustic energy, comprising:

- (a) generating a focused acoustic field having a frequency of between about 100 kilohertz and about 100 megahertz and which converges in a focused acoustic field;
 - (b) holding a sample in a reaction vessel;
 - (c) moving at least one of the sample and the focused acoustic field relative to each other; and
 - (d) controlling at least one of the focused acoustic field and the positioning to expose the sample to the focused acoustic field for a time sufficient to mix the sample with a constituent in the reaction vessel.
141. **(Currently amended)** An apparatus for treating one or more samples comprising:
- (a) a reaction vessel for holding the one or more samples and including at least one inlet for flowing the one or more samples into the reaction vessel and at least one outlet for flowing the one or more samples out of the reaction vessel; and
 - (b) an acoustic energy source for providing at least one focused acoustic field having a frequency of between about 100 kilohertz and about 100 megahertz to the one or more samples while the one or more samples are in the reaction vessel, which acoustic energy source does not contact the one or more samples, wherein the acoustic energy source generates a wavetrain substantially converging in a focal zone having a diameter less than about 2 cm.
142. **(Withdrawn)** The apparatus of claim 47, further comprising a medium for coupling the focused acoustic field to the one or more samples, wherein said medium does not contact the sample.
143. **(Previously presented)** The apparatus of claim 47, wherein the reaction vessel is a conduit.
144. **(Withdrawn)** The apparatus of claim 143, wherein each of the one or more samples is held within a separate container included within the conduit.

145. **(Withdrawn)** The apparatus of claim 141, further comprising a medium for coupling the focused acoustic field to the one or more samples, wherein said medium does not contact the sample.

146. **(Previously presented)** The apparatus of claim 141, wherein the reaction vessel is a conduit.

147. **(Withdrawn)** The apparatus of claim 146, wherein each of the one or more samples is held within a separate container included within the conduit.